IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No.60125-M of 2005

DATE OF DECISION:22.11.2006

Ajit Kaur Virk .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present:- Shri SS Narula, Advocate
for the petitioner.

Shri N.S. Gill, AAG, Punjab.

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The petitioner, who is one of the accused in case FIR No. 280 dated 11.6.2003 under Sections 376,406,420,498-A and 120-B IPC, registered at Police Station Civil Line (Division No.5), Ludhiana, has filed this petition under Section 482 Cr.P.C. for quashing of order dated 20.1.2005 passed by Additional Chief Judicial Magistrate, Ludhiaha, whereby, she has been declared proclaimed offender.

The petitioner has challenged the said order on the ground that she is not properly served as she was residing in Canada and still she is residing there. She has filed this petition through her GPA.

After arguing the case for some time, counsel for the petitioner states that the petitioner is ready to appear before the Investigating Officer and concerned Court within a period to be given by this Court and furnish her bail bonds.

Counsel for the respondent-State states that in case the petitioner is ready to appear before the Investigating Officer and the Court then this Court may consider the prayer of the petitioner for grant of bail.

In view of this factual position, this petition is dismissed as withdrawn with a liberty that in case the petitioner appears before the Investigating Officer by 15.1.2007, she will be released on bail subject to following terms and conditions:-

i) that the petitioner shall make herself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court.

Subsequently, after completion of the investigation, prosecution will submit the supplementary report before the concerned Court.

This bail order shall remain in operation till the investigation culminates into filing of the supplementary report. Thereafter, except for material change in the circumstances, the petitioner shall be entitled for the grant of regular bail by the trial Court on the terms and conditions to be imposed by the said court.

November 22, 2006 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**